

REMARKS

Claims 2-6, 10-11, and 14-27 are now pending in the application. Claims 7 and 12 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 7 and 12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant has cancelled claims 7 and 12 without prejudice. Therefore, this rejection is rendered moot.

REJECTION UNDER 35 U.S.C. § 102

Claims 2-5, 7, 10, 12, and 20-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Meserol (U.S. Pat. No. 5474528). This rejection is respectfully traversed.

Meserol discloses a patch for photodynamic therapy. The patch includes a panel of fiber optic strands. A gel is disposed between the panel and a treatment site. The gel diffuses light from the panel (column 7 lines 60-65). In contrast, Applicant's invention is directed to a fixation device which employs a focused light to fixate the

patient's eye during surgery. Applicant has amended claims 20 and 21 to recite "a focused light source mounted on said eye shield." Meserol discloses a panel light source. Meserol does not teach or disclose a focused light source. Therefore, Applicant respectfully submits that claims 20 and 21 and their corresponding dependent claims are patentable over Meserol.

Claims 2-7, 10-12, and 20-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chen et al (U.S. Pat. No. 6319273). This rejection is respectfully traversed.

Chen discloses a photodynamic therapy (PDT) device that uses a non-coherent light source to activate a photoreactive agent in an eye. The PDT is mounted on a headset worn by a patient (column 10 lines 14-16). Since the PDT is mounted to the headset, its orientation is fixed by the geometry of the headset and the anatomy of the patient's face. In fact, Chen teaches a way for such manipulation. See col. 10, line 14-18. Applicant has further amended claims 20 and 21 to recite receiving an adhesive for securing said eye shield relative to the patient's face. In this manner, the eye shield can be moved until the focused light source properly fixates the patient's eye. Once properly located, the eye shield is secured to the patient's face for maintaining the proper location. Chen does not teach a rim portion of an eye shield receiving adhesive to secure the eye shield. Therefore, Applicant respectfully submits that claims 20 and 21 and their corresponding dependent claims are patentable over Chen.

ALLOWABLE SUBJECT MATTER


Applicant acknowledges the Examiner's indication that claims 14-19 and 27 are allowable as originally filed.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 2, 2003

By: 
David A. McClaughry
Reg. No. 37,885

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600